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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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(c) Question of enforced or involuntary disappearances;

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The meeting was called to order at 3.40 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1993/L.2, 4 and 7)

Draft resolution on human rights in the occupied Syrian Golan (E/CN.4/1993/L.2)

1. Mr. PACE (Secretary of the Commission) said that the delegations of Sri Lanka and the observers for Madagascar, Viet Nam and Zimbabwe had become sponsors of the draft resolution.

2. Mr. MASRI (Syrian Arab Republic), introducing the draft resolution on behalf of its sponsors, said that the text was similar to that of the resolution adopted by the Commission at its previous session. The situation in the occupied Syrian Golan was deteriorating greatly. Israel was continuing to impose repressive measures on the population of the territory and to resort to illegal measures. It insisted on defying the will of the international community, which had resulted in the adoption of resolutions by the Security Council, the General Assembly and the Commission. In that connection, he recalled that, in resolution 497 (1981), the Security Council had decided that Israel's decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and that Israel should rescind its decision forthwith.

3. He drew attention to two changes to be made to the draft resolution. In the second line of operative paragraph 4, the word "of" should be replaced by the word "on", while operative paragraph 5 should end with the words "referred to above", the words "in paragraph 4 of the present resolution" being deleted.

4. The CHAIRMAN said that the delegations of the Syrian Arab Republic and the United States of America had requested a roll-call vote.

5. Mr. SCHIFTER (United States of America), speaking in explanation of vote before the vote, said that the Commission would once again go through the ritual of voting on resolutions dealing with the Arab-Israeli dispute. With minor changes, the same texts were placed before the Commission year after year. The resolutions were adopted over the opposition of the United States and then filed away. The harsh language used prevented the Commission from playing a useful role in the resolution of the dispute and was therefore counterproductive.

6. The United States was doing its utmost to bring the parties together, an objective to which President Clinton was deeply committed. At the current time the Secretary of State was visiting the region in order to prepare a continuation of the United States efforts at peacemaking. His Government would continue to pursue those efforts and appealed to all those who shared its interest in the cause of peace, objectivity and fairness to vote "no" on draft resolutions E/CN.4/1993/L.2, 4 and 5.

7. With regard to draft resolution E/CN.4/1993/L.7, his Government's position on the issue of settlements had been made clear time and again. The United States had played a constructive role in bringing about a fundamental

change in Israel's settlement policy. However, the text in question ignored the fact and was precisely that adopted by the Commission at its previous session. For that reason, and given Israel's change of policy in the matter, his delegation would vote against that text also.

8. The United Kingdom having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

9. Draft resolution E/CN.4/1993/L.2 was adopted by 29 votes to 1, with 17 abstentions.

Draft resolution on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/1993/L.4)

10. Mr. GEGHMAN (Observer for Yemen), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Gabon, Guinea Bissau, Lesotho and the Republic of Korea and the observers for Jordan, Oman, Senegal, Somalia and Viet Nam, said that it was based essentially on the resolution adopted on the same question by the Commission at its previous session, a few new points having been included to reflect the flagrant violations of human rights that had occurred since that session. In part A, for example, a new paragraph referring to the appointment of a special rapporteur had been added, because of Israel's continued refusal to end its violations of the principles and bases of international law. The paragraph represented an attempt to oblige Israel to comply with its international commitments and to alleviate the suffering of the Palestinian people.

11. He urged the Commission to adopt the draft by consensus so as to demonstrate its concern that the resolution should be implemented and its firm commitment to the defence of human rights.

12. Mr. PACE (Secretary of the Commission) said that the financial implications of draft resolution E/CN.4/1993/L.4 would amount to US$ 95,000.

13. The CHAIRMAN said that, at the request of the delegation of the United States of America, separate roll-call votes would be taken on parts A and B of the draft resolution.

Part A of the draft resolution

14. Lesotho, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Costa Rica, Gabon, Republic of Korea, Uruguay.

15. Part A of draft resolution E/CN.4/1993/L.4 was adopted by 26 votes to 16, with 5 abstentions.

Part B of the draft resolution

16. The Republic of Korea, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Gabon, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

17. Part B of draft resolution E/CN.4/1993/L.4 was adopted by 27 votes to 1, with 19 abstentions.

Draft resolution on Israeli settlements in the occupied Arab territories (E/CN.4/1993/L.7)

18. Mr. LARSEN (Observer for Denmark), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Australia, Mauritania and the Russian Federation and the observers for Liechtenstein, Malta, New Zealand and Senegal, said that its main purpose was to reaffirm the applicability of the Fourth Geneva Convention of 1949 to the Palestinian and

other Arab territories occupied by Israel since 1967 and the illegality of the installation of Israeli civilians in the occupied territories. Despite the announcement by the Israeli Government of a partial freeze on settlements, construction of new units was still going on.

19. In view of the large number of sponsors from all regional groups, it might reasonably be hoped that the resolution could be adopted by consensus.

20. At the request of the representative of the United States of America, the vote was taken by roll-call.

21. Bulgaria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, India, Indonesia, Iran (Islamic Republic of), Japan, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia.

Against: United States of America.

Abstaining: None.

22. Draft resolution E/CN.4/1993/L.7 was adopted by 46 votes to one.

23. Mr. BERTHET (Uruguay), speaking in explanation of vote, stressed the importance that his delegation attached to respect for the rules of international law, a prerequisite for peaceful coexistence and the only guarantee of the right to sovereignty and self-determination. Its votes on draft resolutions E/CN.4/1993/L.2, L.4 and L.7 should not be construed as indicating any position on the Arab-Israeli conflict. His Government, which supported the peace process initiated at Madrid, was against the inclusion of any word or expression that was not conducive to a constructive dialogue.

24. Mr. FLINTERMAN (Netherlands) said that his delegation continued to be seriously concerned about the human rights situation in the territories occupied by Israel since 1967, including East Jerusalem. Although the peace process under way gave cause for hope, it had yet to be translated into an improvement in the human rights situation in the occupied territories.

25. His delegation had reservations about important elements of both parts of draft resolution E/CN.4/1993/L.4. It was unable to support paragraphs which prejudged the settlement of political questions that must be tackled in the peace negotiations, nor could it approve paragraphs not conducive to the peace process.

26. Mr. PAZ (Argentina) said that the texts of draft resolution E/CN.4/1993/L.2 and of part B of draft resolution E/CN.4/1993/L.4 were still unbalanced. No reference had been made to the peace process initiated at Madrid and continued in Washington.

27. Mr. MORLAND (United Kingdom) said that although deeply concerned about human rights violations in all the occupied territories, his delegation had not supported either part of draft resolution E/CN.4/1993/L.4, because the spirit of the texts and the repeated use of excessive language were not helpful. Furthermore, there was an absence of any reference to the peace process, which his Government fully supported. Three years previously, his delegation had voted in favour of the resolution on the same subject and therefore regretted that the sponsors of the draft resolution continued to use language that was hardly constructive.

28. Part A of the draft resolution, in particular, contained new elements that further impeded a common understanding. His delegation could see no need for another monitoring mechanism in addition to the Special Committee, which had been reporting on Israeli practices affecting the rights of the Palestinian people and other Arabs in the occupied territories since 1968. Moreover, it took exception to the use of such expressions as "perpetration of crimes of torture" , "concentration camps" and "practices of annexation" and could not accept references to "Palestinian citizens", since it did not recognize Palestinian statehood. His delegation also had doubts about references in the current context to article 90 of Additional Protocol I to the Geneva Conventions.

29. Mr. ALAEE (Islamic Republic of Iran) said that his delegation had voted in favour of draft resolution E/CN.4/1993/L.4 and would have joined its sponsors, had it not been for certain provisions, particularly operative paragraph 7 of part A and operative paragraph 6 of part B.

30. Mr. RHENAN-SEGURA (Costa Rica) said that, unlike its attitude in previous years, his delegation had voted in favour of draft resolution E/CN.4/1993/L.2 in the hope that it would lead to positive change, since it was most concerned about recent serious events in that part of the world.

31. His delegation had abstained on draft resolution E/CN.4/1993/L.4. Although it supported parts of the contents of the text, it regarded the wording to be inappropriate and not conducive to promoting a dialogue.

32. It had voted in favour of draft resolution E/CN.4/1993/L.7, because the provisions of the Geneva Conventions were not being complied with in the occupied territories; that constituted a serious impediment to the negotiation process. International standards and human rights must be respected in all parts of the world.

33. Mrs. DI FELICE (Venezuela) said that her delegation had voted in favour of draft resolutions E/CN.4/1993/L.2 and L.4, because it shared their basic goals, although it would have preferred a more balanced wording in certain paragraphs. Moreover, it had reservations about the appropriateness of appointing a special rapporteur, whose work might duplicate that of the

Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

34. Mr. PARK (Republic of Korea) said that his delegation supported the realization of the inalienable rights of the Palestinian people, including its right to self-determination and to national independence, and it therefore regretted that it had had to abstain on part A of draft resolution E/CN.4/1993/L.4 because the unbalanced language used in certain of its passages would not be helpful in creating the stable environment required for progress in the current Middle East peace process. All violence in the Israeli occupied territories should be avoided and deplored.

35. Mr. GARRETÓN (Chile) said that his delegation had voted in favour of draft resolutions E/CN.4/1993/L.2 and L.4, although it regretted that no mention had been made of the peace process initiated at Madrid, the greatest hope for achieving peaceful coexistence, which was the best guarantee for human rights in the region.

36. Mr. ITO (Japan) said that his delegation had abstained on draft resolution E/CN.4/1993/L.2 and part B of draft resolution E/CN.4/1993/L.4 and had voted against part A of that draft resolution, because those texts contained certain expressions that it regarded as unacceptable.

37. Mr. GUBARTALLA (Sudan) said that his delegation had voted in favour of draft resolution E/CN.4/1993/L.7, although it fell short of the standards and objectives required to deal with the abhorrent and gross human rights violations in the occupied territories, including Palestine, and the Israeli settlement policy. It was to be hoped that that resolution would serve as a basis for serious and proportionate action against Israeli violations in the future.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1993/L.5, L.6 and L.15)

Draft resolution on the situation in occupied Palestine (E/CN.4/1993/L.5)

38. Mr. LEMINE (Mauritania), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Gabon, Guinea-Bissau, Lesotho and the Syrian Arab Republic and the observers for Jordan, Madagascar, Oman, Senegal, United Arab Emirates, Viet Nam and Yemen, drew attention to its salient points. The draft resolution merely reiterated the universally accepted principles of international law and demanded that they be applied in the case of the greatest injustice of the twentieth century.

39. Ms. PARK (Canada), speaking in explanation of vote before the vote, said that her delegation would be abstaining on the draft resolution and wanted a separate vote on its thirteenth preambular paragraph, which directly challenged the right of Jews to immigrate to Israel. That was unacceptable to her Government. In view of the worrisome situation in Gaza, the

self-determination of the Palestinian people referred to in a number of the preambular paragraphs should be understood as exercised in the context of peaceful negotiations, such as the current peace process.

40. At the request of the representative of Canada, a vote was taken by roll-call on the thirteenth preambular paragraph of the draft resolution.

41. The United Kingdom, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Costa Rica, Gabon, Republic of Korea, Uruguay.

42. The thirteenth preambular paragraph of draft resolution E/CN.4/1993/L.5 was adopted by 26 votes to 16, with 5 abstentions.

43. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1993/L.5, as a whole.

44. Zambia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Gabon, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

45. Draft resolution E/CN.4/1993/L.5 was adopted by 27 votes to 1, with 19 abstentions.

46. Mr. OYARCE (Chile), speaking in explanation of vote, said that his delegation had voted in favour of the thirteenth preambular paragraph of draft

resolution E/CN.4/1993/L.5 because it believed that one of the obstacles to the self-determination of the Palestinian people was Israel's policy of establishing settlements in the occupied Palestinian territory and not because it was opposed to the directing of the immigration of Jews in an organized manner to Israel, since every country had the sovereign right to determine its own immigration policies.

47. Mr. ZODIATES (Cyprus) said that his delegation had voted in favour of the thirteenth preambular paragraph of draft resolution E/CN.4/1993/L.5 because it was firmly convinced of the need to prohibit the establishment of further Israeli settlements in occupied Palestinian territory.

48. Mr. PARK (Republic of Korea) said that his delegation had voted in favour of draft resolution E/CN.4/1993/L.5, but had voted against the inclusion of the thirteenth preambular paragraph, because it would have preferred to see more balanced language used.

Draft resolution on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/1993/L.6)

49. Mr. GWAM (Nigeria), introducing the draft resolution on behalf of its sponsors, which had been joined by the observer for the Philippines, said that the draft resolution was essentially the same as that adopted by the Commission at its previous session. It recalled the purposes and principles of the Charter concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, while recognizing that mercenaries were used for activities which violated those principles.

50. It urged all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State and called upon States that had not yet done so to consider ratifying or acceding to the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries. It also requested the Special Rapporteur to report to the Commission at its fiftieth session on all further developments concerning the use of mercenaries. It was the sponsors' hope that the draft resolution could be adopted by consensus.

51. Mr. PACE (Secretary of the Commission) said that the delegations of China and Colombia and the observer for Iraq had become sponsors of the draft resolution.

52. Draft resolution E/CN.4/1993/L.6 was adopted without a vote.

Draft resolution on the situation of human rights in Cambodia (E/CN.4/1993/L.15)

53. Ms. WENSLEY (Australia), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Chile and Japan, said that its purpose was to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC). It called for the establishment

of an operational presence of the Centre for Human Rights in Cambodia and the appointment of a special representative, in order to maintain contact with the newly elected Government and the people of Cambodia.

54. The sponsors of the draft resolution represented a broad range of countries, including neighbours of Cambodia and those that had been closely associated with the peace process. The sponsors therefore hoped that the draft resolution could be adopted by consensus.

55. Mr. PACE (Secretary of the Commission) said that the estimated cost of the measures envisaged in operative paragraphs 2 and 3 of the draft resolution was US$ 1,384,160, including US$ 1,236,960 for staffing requirements, US$ 6,000 for general temporary assistance, US$ 5,400 for travel of the special representative, and US$ 95,800 for staff travel within Cambodia. Rents, equipment, and transport costs would have to be estimated in the light of the forthcoming decision to be taken by the Security Council concerning the overall post-UNTAC presence of the United Nations in Cambodia.

56. Mr. MALGUINOV (Russian Federation) said that his delegation wished to become a sponsor of the draft resolution.

57. Draft resolution E/CN/4/1993/L.15 was adopted without a vote.

58. Mr. ALAEE (Islamic Republic of Iran), speaking in explanation of vote, said that his delegation had voted in favour of draft resolution E/CN.4/1993/L.15 and would have become a sponsor were it not for some of the provisions of the resolution, particularly those contained in operative paragraph 3.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 10) (continued) (E/CN.4/1993/4, 20, 21*, 22, 23 and Add.1, 24, 25 and Add.1, 26-28, and 86; E/CN.4/1993/NGO/7, 9, 10, 18-20 and 22; E/CN.4/1992/17 and Add.1, 18 and Add.1 and 20; E/CN.4/Sub.2/1992/9 and Add.1, 17, 19, 22, 23/Rev.1, 24 and Add.1-3; A/47/662; A/RES/47/109)

59. Mr. MEJIA (World Organization Against Torture) said that, although substantial progress had been achieved through international standard-setting and monitoring mechanisms, grave human rights violations persisted in many parts of the world. Over the previous 14 months, his organization had had to intervene on behalf of victims of such violations in 47 countries, most of which had ratified or acceded to the international or regional instruments designed to prevent such abuses.

60. In Sri Lanka, under the emergency powers introduced to deal with the ethnic conflict in the north of the country, many persons had been detained for long periods in police stations and had suffered torture and ill-treatment. It was virtually impossible to bring those responsible to justice, because of the slowness of the legal process and the threats made against plaintiffs and lawyers.

61. Prison conditions in Morocco were notoriously poor and, over the years, hundreds of prisoners had suffered indescribably. The situation of 300 persons of Saharan origin detained at the end of 1992 was especially disturbing.

62. In Egypt, numerous persons had been arrested under special provisions to clamp down on the activities of fundamentalist groups and common criminals. Many of them had been tortured at detention centres under the control of the security forces.

63. In Malawi, reports had been received of deplorable prison conditions and frequent torture and ill-treatment, culminating in the deaths of a number of prisoners in late 1992. Persecution on political, religious and ethnic grounds was rife.

64. In Mexico, dozens of prisoners had embarked on protracted hunger strikes at the end of 1992 in protest against physical and psychological torture and cases of wrongful imprisonment.

65. Similar strikes had occurred in Spain, where prisoners were protesting against ill-treatment, reductions in visiting hours and the refusal of medical assistance. There had been reports of torture and ill-treatment by police officers, particularly involving Basques who were seen as terrorism suspects.

66. In Brazil, dozens of prisoners had been brutally murdered in October 1992, at Carandiru prison in the state of São Paulo. The authorities had admitted to 111 deaths, although other sources reported 284 persons as missing.

67. In Iran, thousands of political and ordinary prisoners had been victims of torture or summary execution, or had been tried by secret courts. Hundreds had been arrested, and in some cases executed, for protesting against economic conditions and abuses by the authorities. Iranian political repression recognized no frontiers, as was shown by the death sentence passed on Salman Rushdie and the assassinations of political opponents in Switzerland and Turkey. The Commission should condemn the situation vigorously and request the Security Council to take steps to oblige the authorities in that country to comply with the provisions of the relevant international instruments.

68. His organization had also intervened to assist victims of detention, ill-treatment and torture in Turkey. In the south-east of that country, the civilian population was suffering grave abuses, mainly at the hands of the armed forces and security services, but also at those of armed opposition groups. The Commission should call for urgent action to remedy the situation.

69. In Sudan, thousands of persons from different political, religious, professional and ethnic groups were being detained. Some had been tortured to the point of death, while others were the victims of enforced disappearances. The authorities had expressed willingness to cooperate with the Commission, which should take steps to organize a fact-finding visit to the country as soon as possible.

70. In Haiti, many different sectors of the population were suffering grave human rights violations. Hundreds were in detention and many had been victims of enforced disappearances, summary execution, threats and other forms of persecution, carried out with impunity by members of the armed forces and security forces or by armed civilians. While the recent decision by the Organization of American States to send a civilian mission was encouraging, the failure of previous similar initiatives cast doubts on its effectiveness.

71. In Equatorial Guinea, 60,000 to 80,000 inhabitants out of a total population of 400,000 had been forced to flee the country. Despite the amnesty declared in mid-1992, the safety of those returning could not be guaranteed. Many students had been arrested in December 1992 following protests and had apparently suffered torture and ill-treatment. Church and opposition leaders had also been arrested and, despite their subsequent release, the threat of further repressive measures remained. The Commission should monitor the situation closely and adopt measures to ensure democratization and respect for human rights in that country.

72. Human rights violations were continuing in Chad, despite the release of a number of political prisoners and the restoration of certain freedoms. Only recently, the Republican Guard had carried out attacks on the civilian population which had left 30 persons dead and many wounded. Many others had been arrested and there were grave doubts as to their safety.

73. The Commission and other United Nations organs should devote particular attention to the country situations he had mentioned and the Commission should strengthen its monitoring mechanisms and provide the resources needed for the swift and effective investigation of the abuses in question.

74. Ms. LAUWEREINS (France-Libertés Fondation Danielle Mitterrand) said, with reference to the question of enforced or involuntary disappearances and more specifically to the situations in Colombia, Iran and Turkey, that, in the first of those countries, the Procurator-General of the Nation had indicated that he received daily reports of enforced disappearances and torture and that, since 1988, 10 people were being killed daily for political reasons or for what were thought to be political reasons. At the same time, only 4 per cent on average of the complaints submitted to the Procurator-General or the courts were resolved. The existence of such a large-scale problem clearly required the attention of the United Nations.

75. In 1992, the Inter-American Commission on Human Rights had carried out an on-the-spot fact-finding mission which, at the request of the Colombian Government, had been postponed since 1988. The mission had found that the Government had not respected four of the Inter-American Commission's resolutions, which had attributed to the authorities' responsibility for two summary executions and 14 disappearances. Consequently, in December 1992, the

Inter-American Commission had decided to prosecute Colombia in the Inter-American Court of Human Rights in connection with one of the four disappearance cases, which had occurred in February 1989 and was attributed to members of the army.

76. The Working Group on Enforced or Involuntary Disappearances had expressed its concern to the Colombian Government at the reported links between the members of paramilitary groups and the forces of law and order, calling for the sentencing and punishment of those responsible for disappearances, the application of habeas corpus, compensation to the families of those who had disappeared and procedures for identifying corpses found in mass graves.

77. An evaluation mission by the advisory services of the Centre for Human Rights, carried out in 1992, had reported that it was essential to improve respect for and implementation in domestic law of the decisions and resolutions of international human rights bodies. It would appear appropriate for the Commission to appoint an expert to secure compliance with such recommendations and to report back to it.

78. In the case of Iran, the list of persons who had disappeared or had been assassinated in recent years was a lengthy one. All those assassinated abroad had been active members of the Iranian opposition, and it was clear from police investigations that there was a concerted plan to eliminate the opponents of the Iranian State, as publicly acknowledged by the Iranian authorities themselves.

79. Political and judicial measures must be taken to put an end to that State repression, particularly in European countries providing asylum. In all countries where such criminal actions occurred, those responsible must be brought to justice, and appropriate action taken against the guilty State. It was also essential that the policy of tolerating States, such as Iran, which practised international terrorism should cease, and that the international community should unequivocally condemn such activities.

80. The seriousness of the human rights situation in the south-eastern part of Turkey could not be ignored or underestimated, nor could the apparent impunity enjoyed by the Turkish Government, despite the consistent and damning reports compiled by such prominent non-governmental human rights organizations as Amnesty International and Helsinki Watch. The geopolitical reasons for that situation were well known, and the Turkish Government took maximum advantage of them and pursued a cunning policy of disinformation.

81. In recent months, the number of persons who had disappeared after their arrest by the security forces had increased markedly, and the Government, in violation of its own promises, had taken no significant action to restore the rule of law in Turkey. The act amending the Code of Criminal Procedure, adopted on 18 November 1992, retained the practice of detention in police custody for a period of 30 days for collective crimes, an all-embracing description, in the 13 provinces of Turkey subject to the state of emergency.

82. Moreover, contrary to the promises made, neither article 15 of the Act of 12 April 1991, which provided virtual legal impunity, nor Decree Laws Nos. 424 and 425, which prevented any legal action against State officials,

had been repealed. The malfunctioning of the judicial administration which resulted was due both to widespread utilization of the State security tribunals and to the extreme difficulty experienced by lawyers in carrying out their duties - some indeed, were in increasing danger of losing their lives.

83. In recent weeks, there was evidence that the pace of summary executions of Kurdish civilians had accelerated, while, journalists, doctors and students had been assassinated. The situation was thus alarming, and further disquiet was aroused by the current trial before the Constitutional Court at Ankara of the Workers' Party (HEP), which was the only legal representative of millions of Kurdish electors. If the HEP was declared illegal, the prospects for dialogue to resolve the conflict in the region were dim and further violence was likely. In that connection, it should be noted that the Chief Prosecutor in Ankara had announced that death sentences would be called for in the case of HEP deputies, after their parliamentary immunity had been lifted. The Commission should take appropriate action in view of the serious deterioration in the situation.

84. Mr. BURNEO (Commission of the Churches on International Affairs) said that he wished to draw the Commission's attention to the situation in Peru, the country which, in 1992, held the world record for the number of disappearances in detention, although the Peruvian Government maintained that the situation was improving. If the Commission was genuinely concerned at the gravity of a situation which had been continuing for many years, it should not hesitate to take appropriate action, particularly in view of the fact that the current Government was directly involved.

85. Factors aggravating the situation included the prohibition of access to detainees by the International Committee of the Red Cross (ICRC), the virtual suspension of habeas corpus, and the fact that a Peruvian could be deprived of his or her citizenship through a new Decree-Law introduced in May 1992. The Judiciary was under the absolute control of the Executive as a result of unconstitutional emergency legislation, and the freedom of the press was restricted. Lastly, military courts had summarily sentenced not less than 104 civilian detainees to life imprisonment over a period of six months, including two lawyers who had defended leaders of the Sendero Luminoso movement.

86. Condemnation of the terrorist practices of such movements as the Sendero Luminoso should not blind the international community to the arbitrary and excessive violence perpetrated by the State, and the Commission should appoint an independent expert to report on the situation in Peru.

87. In Burundi, ethnic conflicts had caused thousands of deaths since 1988, and the Government of Burundi had embarked on a policy of "national unity" aimed at reconciling the two main ethnic groups in the country - the Hutu and the Tutsi. A new multiparty Constitution had been adopted in 1992, and Burundi had ratified several international human rights treaties, leading to the hope that violations against human rights in that country might diminish.

88. However, since 1990, all persons of Hutu origin suspected of opposition to the Government's policy had been harassed, arrested and tortured and held in the worst possible conditions. More than a thousand people had been killed

in extrajudicial executions in military camps, and a significant number had disappeared. His organization thus urgently requested the Commission to pay particular attention to Burundi.

89. His organization also wished to express its grave concern at the reports of the assassination of large numbers of civilians in Rwanda, carried out by Government forces and death squads. Its report to the World Council of Churches indicated that mass graves, containing the bodies of civilians of all ages and both sexes, had been found, and that the Tutsi minority was being subjected to violence, brutality and intimidation.

90. In March 1992, leaders of the Protestant and Catholic churches in Rwanda had strongly condemned the civil war which was destroying the country and, in particular, the acts of vandalism committed by members of the armed forces and attacks against public property or endeavours to stir up conflict within the civilian population. They had called on all ethnic groups to live in peace and to give their full support to a policy of negotiation which could put an end to the strife.

91. His organization thus strongly urged the Commission to monitor closely a situation in which the Geneva Conventions were being violated on a daily basis and called on the Rwandese authorities to investigate the systematic violations of the human rights of all the sectors of the population of Rwanda and to do everything possible to end those abuses.

92. Ms. SCHERER (Amnesty International) said that the establishment in 1991 of the Working Group on Arbitrary Detention had placed an important new mechanism at the Commission's disposal and its report demonstrated yet again the necessity for every Government to incorporate into law and practice the provisions of internationally accepted standards. Without such safeguards at the national level, arbitrary detention would inevitably occur.

93. In Malawi, for example, legislation dating from 1965 provided for detention solely on the basis of conduct which, in the view of an arresting officer, might warrant the imposition of a presidential detention order. The result had been that detainees were held for excessive periods, outside the effective control of any authority that could competently, impartially and independently access the validity of the detention. Indeed, such detainees had sometimes been held indefinitely and had had to wait for years for their cases to be reviewed.

94. In Cuba, the arbitrariness of the system had been demonstrated in recent months by arrests in the context of acts of repudiation (actos de repudio), in which large groups of government supporters went to the homes of known dissidents and verbally or physically abused those inside, while the police usually stood by. The victims of those attacks - usually members of unofficial political and human rights groups - were often subsequently arrested on such charges as illegal association, clandestine printing or enemy propaganda.

95. It had long been recognized that incommunicado detention was conducive to torture and that the eradication of such abuses required prohibition of that practice in law and effective safeguards. In Tunisia, for example, political

prisoners were often held in prolonged pre-trial detention, frequently incommunicado, and subjected to torture and ill-treatment in order to extract confessions which were then used to secure their conviction. Her organization was aware of scores of cases in which the dates of arrests had been systematically falsified by the authorities, presumably in order to conceal the fact that political suspects had been held in incommunicado detention for well beyond the 10-day limit.

96. In 1992, her organization had published a report which described the pattern of torture, including rape and deaths in custody, in every one of India's 25 States. A major reason for the persistence of those violations had been the Indian Government's unwillingness to admit that torture occurred and its failure to implement and strengthen important legal safeguards. The Government had since expressed to her organization its commitment to strengthening investigative procedures in cases of custodial deaths and to introducing further legal safeguards to prevent torture, but no specific steps had yet been taken in that regard.

97. The non-observance of internationally recognized standards for a fair trial could render the deprivation of liberty arbitrary. In Burundi, a series of trials of political prisoners that were held in 1992 had been manifestly unfair, and had led to the imposition of the death penalty on five people and the sentencing of 70 others to terms of imprisonment. Most of the defendants had reportedly been subjected to beatings and other ill-treatment during the investigation. No witnesses for the prosecution or the defence had been called in any of the trials, some of which had lasted for a few hours only.

98. Despite significant releases of prisoners in Syria during 1991 and 1992, her organization was still gravely concerned that several thousands of political prisoners were still held under state-of-emergency legislation without trial, some of them for more than 20 years. Other political prisoners had been sentenced after unfair trials, and some were still detained after the expiry of their sentences.

99. Since 1989, hundreds of people in China had been held because of their non-violent political or religious views, and some had been sentenced to terms of imprisonment after trials that failed to reach minimum standards of fairness. Even articles in the official Chinese legal press had criticized such practices, as extreme limitations on the role of defence lawyers, the use of torture to extract confessions, and the interference of the political authorities in the judicial process. In some cases, the verdict and sentence were decided before the trial even took place and, in others, political prisoners were detained under laws or regulations which provided for administrative detention, by which detainees might be held for long periods without charge or trial merely on suspicion that they might have committed an offence.

100. The second report of the Working Group on Arbitrary Detention showed that it had approached its task in a conscientious way, addressing such important issues as the indefinite duration of states of emergency and the need for safeguards such as habeas corpus to be strengthened. It welcomed the Working

Group's stated intention of seeking on-site visits. In particular, its participation in two missions to the former Yugoslavia had demonstrated the importance of cooperation between country-related and thematic mechanisms in situations where arbitrary or illegal detention could lead to violations of other fundamental human rights.

101. Mr. DON NANJIRA (Kenya) said that his delegation had unfortunately been absent during the voting on draft resolutions E/CN.4/1994/L.2, L.5, L.6, and L.7, all of which it would have supported, and during the voting on draft resolution E/CN.4/1994/L.4, on which it would have abstained.

The meeting rose at 6.05 p.m.